

10-17-01

A

EL853 U.S. PTO  
10/15/01

Docket # PF-0451-2 DIV

jc997 U.S. PTO  
09/978242  
10/15/01

"Express Mail" mailing label number EL856150745 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on October 15 2001

By: [Signature]  
Printed: Nancy Ramos Ted Martinez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/241,333, filed on February 1, 1999, which is a **DIVISIONAL** of application Serial No.08/990,114, filed on December 12, 1997, now issued Patent No. 5,932,475, issued August 3, 1999, all of which are entitled HUMAN NUCLEOLIN-LIKE PROTEIN.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/241,333 filed February 1, 1999, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No.08/990,114, filed on December 12, 1997, now issued Patent No. 5,932,475, issued August 3, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No.08/990,114, filed on December 12, 1997, now issued Patent No. 5,932,475, issued August 3, 1999 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.

3. X Cancel in this application original claims 19-27, and 30-57 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
4. X The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Henry Yue, Neil C. Corley, Purvi Shah.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on May 4, 1998 is enclosed.
6.      Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/241,333, filed February 1, 1999, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

| Claims  | Number Filed | Minus | Number Extra | Other Than Small Entity |     | Basic Fee |
|---|--------------|-------|--------------|-------------------------|-----|-----------|
|   |              |       |              | Rate                    | Fer | \$740.00  |
| Total Claims                                    | 20           | -20   | 0            | x \$18                  |     | \$0       |
| Indep. Claims                                   | 2            | -3    | 0            | x \$84                  |     | \$0       |
| <u>    </u> Multiple Dependent Claim(s), if any |              |       |              | + \$280                 |     | \$0       |

**TOTAL FILING FEE \$ 740.00**

8.      An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. ☒ Please charge Deposit Account No. 09-0108 in the amount of \$ 740.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. ☐ New formal drawings are enclosed.

11. ☒ The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on May 4, 1998, at reel 9399/frame 0972.

12. ☐ A preliminary amendment is enclosed.

13. ☒ Also enclosed Information Disclosure Statement (2 pp., in duplicate); List of References Cited PTO-1449 (1 pg.), and Copy of previously submitted Revocation and Power of Attorney (2 pp.).

14. ☒ The power of attorney of the prior application is to:

|                             |                        |
|-----------------------------|------------------------|
| <b>Lucy J. Billings</b>     | <b>Reg. No. 36,749</b> |
| <b>Michael C. Cerrone</b>   | <b>Reg. No. 39,132</b> |
| <b>Diana Hamlet-Cox</b>     | <b>Reg. No. 33,302</b> |
| <b>Richard C. Ekstrom</b>   | <b>Reg. No. 37,027</b> |
| <b>Barrie D. Greene</b>     | <b>Reg. No. 46,740</b> |
| <b>Matthew R. Kaser</b>     | <b>Reg. No. 44,817</b> |
| <b>Lynn E. Murry</b>        | <b>Reg. No. 42,918</b> |
| <b>Susan K. Sather</b>      | <b>Reg. No. 44,316</b> |
| <b>Michelle M. Stempien</b> | <b>Reg. No. 41,327</b> |
| <b>David G. Streeter</b>    | <b>Reg. No. 43,168</b> |
| <b>Stephen Todd</b>         | <b>Reg. No. 47,139</b> |
| <b>Christopher Turner</b>   | <b>Reg. No. 45,167</b> |
| <b>Peng Ben Wang</b>        | <b>Reg. No. 41,420</b> |

☐ The associate power of attorney in the prior application is to:

- a. ☐ An associate power of attorney is attached.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

**INCYTE GENOMICS, INC.**  
**PATENT DEPARTMENT**  
**3160 Porter Drive**  
**Palo Alto, California 94304**  
**Phone: (650) 855-0555, Fax: (650) 845-4166**

Date: October 15, 2001

By: Barrie D. Greene  
Barrie D. Greene  
Reg. No. 46,740  
Direct Dial Telephone: (650) 621-7576

☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record  
☐ Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.